

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 7/1/10
TIME: 2:00 PM

Lederer -v- Newmatic Sound Systems, Inc., CV-10-271 (JS) (AKT)

TYPE OF CONFERENCE: **SETTLEMENT CONFERENCE**

APPEARANCES: Plaintiff Edmond R. Bannon
Mark Manewitz

Defendant Robert B. Golden
Craig Stainbrook

SCHEDULING:

A telephone conference is now set for July 16, 2010 at 2:30 p.m. Plaintiff's counsel is requested to initiate the call to Chambers.

THE FOLLOWING RULINGS WERE MADE:

I met with counsel in the parties for a substantial period of time this afternoon in attempting to reach a resolution of this matter. As a result of today's discussion, I have directed counsel for both sides to address further in conference with each other the issue of whether each individual replacement of ear tips on the product at issue constitutes an act of infringement. I have also encouraged counsel to discuss further the nature of the actual infringement charged in the Complaint by the plaintiff. The parties will conduct these discussions within the next 10 days and will report back to me at the July 16 conference. Meanwhile, defendant's counsel has agreed to refrain from submitting to the Patent and Trademark Office (PTO) the application to place the subject patent in re-examination. However, it was agreed that defendant's counsel would submit a letter to the PTO seeking an extension of time within which to make such submission.

If it appears that this matter cannot be settled once I hear from the parties on July 16, I will proceed to enter the Case Management and Scheduling Order and discovery will proceed forthwith.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge